

Contact tracing application made compulsory in Qatar

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Qatar has introduced a compulsory contact tracing application called 'Ehteraz' as part of its measures to combat the COVID-19 pandemic. The name 'Ehteraz', which is Arabic for 'precaution', makes it clear that the application has been introduced as an additional precautionary measure to prevent the spread of the virus by identifying transmission chains and allowing contact tracing. However, the application has additional helpful features such as informing users on the latest developments and official statistics regarding COVID-19 and allowing users to receive awareness and precautionary instructions from the health authorities. As such, if users have been in contact with an infected person or a person in quarantine, they will receive an on-the-spot notification through the application.

Ehteraz is compatible with Android and iOS systems (although there have been some issues with older telephones) and uses GPS location and bluetooth to trace the individual's location. Therefore, users need to have both location and bluetooth settings turned on at all times in order for Ehteraz to work properly.

At first, Ehteraz was available only for users who had a Qatar Residence Permit. However, with later updates, the application was made available for users on visit and business visas also.

The main feature of the Ehteraz application is that a profile of each user is linked to a QR code by automatically extracting the user's health information gathered by official authorities and categorising users in the following groups:

- **Red** - for people who have tested positive for COVID-19 and remain so;
- **Yellow** - for individuals who are in quarantine facilities;
- **Grey** - suspected cases, individuals who exhibit symptoms or who have been in contact with COVID-19 positive cases but have not been tested; and
- **Green** - healthy individuals who do not exhibit any COVID-19 symptoms or who have tested negative.

If an individual is suspected by the health authorities to be infected, the status on Ehteraz changes to grey however, from the moment that the COVID-19 test is done the status changes to yellow and it remains yellow until results are known. This would occur in situations where a close family member has a red status or there are other circumstances where there is a high degree of possibility of close exposure to an infected person. In the interim, individuals must quarantine themselves and are not allowed to enter any public places. If the results of the test are positive, the status changes to red, and if the results are negative the status changes back to green.

In cases where an individual's status is red, the application allows the checking/tracing of an individual's movements from the time that the application was downloaded until the moment of infection. From such location information, health authorities can also identify individuals who were in contact with the individual who tested positive. Such individuals would receive the notification through Ehteraz of potential infection and would have priority in receiving testing services and results. This is all designed to facilitate a quick reaction to situations and to alleviate the risk of such infected individuals spreading the virus.

Compulsory

Initially, residents were only encouraged to use the application, but as the number of positive cases increased, the government made the application mandatory for all residents when leaving their homes. Consequently, the vast majority of public places, such as stores, banks, public institutions, and workplaces have decided to make a “green” health status on the Ehteraz a mandatory prerequisite to entry.

Legal basis

In March 2020, Qatar promulgated Law no. 9 of 2020 amending provisions of Law no. 17 of 1990 on the Prevention of Infectious Diseases (together ‘Law on the Prevention of Infectious Diseases’). Based on the said law, Qatar authorities are permitted to implement general procedures and measures for public health, including imposing restrictions on the individual’s freedom to gather, move, and remain in specific places or at specific times in order to limit the spread of infectious diseases. Moreover, the Law on the Prevention of Infectious Diseases imposes reporting requirements on employers, doctors etc. to report a person suspected of having a contagious disease.

The Law on the Prevention of Infectious Diseases provides the legal basis for the government to impose such measures that it deems necessary, including the obligatory use of Ehteraz, mandatory wearing of face masks, and temperature checks in order to protect the public health. Furthermore, penalties for non-compliance are severe with possible imprisonment for a period not exceeding three years and/or a fine not exceeding QAR 200,000 (US\$54,945.05).

Is Ehteraz an effective measure to combat the spread of COVID-19 ?

When Qatar introduced the mandatory use of Ehteraz, there were some reservations on the part of the public as to whether such an application would be effective in combating the spread of the virus and whether it is too invasive to the individual’s personal life. There were also concerns in connection with personal data that the government would collect with implementing the mandatory use of Ehteraz. Qatar has a specific data protection law being Law no. 13 of 2016 (the ‘Data Protection Law’) that regulates an individual’s personal data and poses obligations on data controllers and data processors.

In general, personal data should not be processed without an individual’s consent, unless there is a legitimate purpose for such processing. Furthermore, any health-related data is considered as sensitive personal data, and due to its sensitivity a special permit from the relevant department at the Ministry of Transport and Communications along with the data subject’s consent needs to be obtained prior to such processing.

However, the Data Protection Law provides for an exception from complying with the above mentioned processing requirements, if such processing is necessary to protect the public and provide security. Accordingly, the data collected by the Ehteraz application is justifiable under the law on the basis of being in the interests of public safety and, as such, the data collected from users for the purpose of tracing the users’ location in cases of an infection from a communicable disease would not be a legal issue.

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